

SUBDIVISION APPLICATION DECISION

Our File: 2024-0-045
Your File: 24-058

NOTICE DATE: May 14, 2024

TO: Goldenage Senior Homes Inc., SexSmith Surveys Ltd., Dr. Rakesh Walia, Town of Nanton, Livingstone Range School Division, AltaLink, EQUUS REA Ltd., FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health Services - Calgary, AB Environment & Protected Areas - J. Cayford, AB Transportation, Historical Resources Administrator, AER, Canada Post

RE: Lot 2, Block 4, Plan 0812804 within SE1/4 16-16-28-W4M / Town of Nanton

DECISION: APPROVED ON CONDITION

DECISION DATE: May 13, 2024

(See attached resolution for conditions)

Your subdivision application has been *Approved on Condition* and a copy of the decision is attached.

We advise that it is the applicant's responsibility to ensure that all conditions of approval have been met. This process will require coordination between yourself, your surveyor, ORRSC and your municipality.

The subdivision may be finalized following the required 14-day appeal period as outlined below. If no appeals have been filed within the specified time period, you may proceed with the finalization. You have **one year from the approval date** to finalize your subdivision. *(If you are unable to finalize the subdivision within this time frame please contact the ORRSC in order to request a possible time extension. A minimum extension fee of \$350.00 will be required.)*

Right to Appeal

Pursuant to the Municipal Government Act, the applicant, government departments, and local authorities have a right to appeal the decision, any conditions, or the reserve requirement of the subdivision **within 14 days of receipt of this notice** to the appropriate appeal board. The date of receipt of the decision is deemed to be 7 days from the date the decision is mailed. The appeal may be commenced by providing a written statement of the grounds of appeal to:

Land and Property Rights Tribunal - Subdivision Appeals Case Manager

2nd Floor, Summerside Business Centre
1229 – 91 Street SW, Edmonton, Alberta T6X 1E9
lprt.appeals@gov.ab.ca

The appeal board must receive your notice of appeal within 21 days of the date of this letter informing you of the subdivision authority's decision. **There are no fees for appeals filed to the Land & Property Rights Tribunal.**

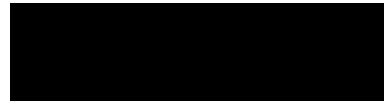
In order for your surveyor to register your subdivision at the Land Titles Office, they must receive an "Endorsement" document from our office. ORRSC will provide the Endorsement upon receipt of the following:

- **Finalization fee** – pay to ORRSC the finalization fee of \$220.00 for each new lot to be created by the subdivision.
- **Fulfilling the Conditions** – ensure that all the conditions of your approval have been met (*refer to attached Resolution*) and provide the Oldman River Regional Services Commission documented evidence to that effect.
- **Surveyor's package** which includes the Plan of Survey, signed consents, etc. (or your separation of title document as prepared by your lawyer or surveyor).

After endorsement, we will return the documents to your surveyor who will register them with the Land Titles Office.

Should you require any further clarification please contact ORRSC at (403) 329-1344 or visit our website at www.orrsc.com for more details regarding the finalization process.

Yours truly,



Kattie Schlamp
Planner

KS/jm
Attachment

RESOLUTION

2024-0-045

Town of Nanton

Residential subdivision of Lot 2, Block 4, Plan 0812804 within SE1/4 16-16-28-W4M

THAT the Residential subdivision of Lot 2, Block 4, Plan 0812804 within SE1/4 16-16-28-W4M (Certificate of Title No. 081 202 918 +1), to create two lots from a title of 1.54 acres (0.622 ha) for residential use; BE APPROVED subject to the following:

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the Town of Nanton.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into and comply with a Development Agreement with the Town of Nanton which shall be registered concurrently with the final plan against the title(s) being created.
3. That proof of separate municipal services to each lot be provided to the Subdivision Authority prior to endorsement for registration.
4. That a final plan be provided as prepared by a certified Alberta Land Surveyor that corresponds to the subdivision title configuration as approved by the Subdivision Authority.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 9 of the *Matters Related to Subdivision and Development Regulation*.
3. Alberta Transportation has authorized the Subdivision Authority to vary the requirements of Section 18 and 19 of the *Matters Related to Subdivision and Development Regulation* to accommodate the proposal.

INFORMATIVE:

- (a) Since the proposed subdivision complies with Section 663(c) of the Municipal Government Act, Reserve is not required.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Protected Areas, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) On April 16, 2024 Land Use Bylaw No. 1246/13 was repealed and Land Use Bylaw No. 1389/24 came into effect. The adoption of Land Use Bylaw No. 1389/24 created a non-conforming parcel as the subject lands have been designated as Residential, General District (R-GEN) which has a maximum parcel size of 0.2 ha. The subject parcel is 0.66±ha (1.64±ac). Upon subdivision the remainder lot will remain a non-conforming parcel size.

- (e) Telus Communications Inc has no objection.
- (f) EQUUS has no concerns.
- (g) In reference to the above request, please be advised of ATCO Gas' response and notify the landowner of the following:

- ATCO Gas has no objection
- ATCO Gas has no need for a Utility Right of Way currently

ATCO Gas would also like to make the MD/County and Landowner/Developer aware of the following:

- If conducting any ground disturbance on the subject property, the landowner/developer must ensure the location of all utilities by contacting Utility Safety Partners at 1-800-242-3447 or <https://utility-safety.ca/>
- For any ground disturbance within 30m of an existing gas line please contact Crossings@atcogas.com to obtain permission (submit locate slip as back up)
- ATCO Gas requires a minimum of 6 months' notice to design and construct a new gas line, or alter an existing gas line. New Service installations, pipeline alterations, and Main extensions will be performed at the landowner/developers expense.
- If the landowner requires a single gas service please visit <https://gas.atco.com/en-ca/products-services-rates/new-services-changes/new-natural-gas-line.html>

Any further questions please email southlandadmin@atco.com.

- (h) ATCO Transmission high pressure pipelines has no objections. Questions or concerns related to ATCO high pressure pipelines can be forwarded to hp.circulations@atco.com.
- (i) Alberta Health Services has no objection.
- (j) Alberta Transportation – Leah Olsen, Development/Planning Technologist:

“This will acknowledge receipt of your circulation regarding the above noted proposal. The subdivision application would be subject to the requirements of Sections 18 and 19 of the Matters Related to Subdivision and Development Regulation (The Regulation), due to the proximity of Highway(s) 2, 533

Transportation and Economic Corridors offers the following comments with respect to this application:

The requirements of Section 18 of the Regulation are not met. The department anticipates minimal impact on the highway from this proposal. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 18 of the Regulation.

The requirements of Section 19 of the Regulation are not met. There is no direct access to the highway and there is sufficient local road access to the subdivision and adjacent lands. Pursuant to Section 20(1) of the Regulation, Transportation and Economic Corridors grants approval for the subdivision authority to vary the requirements of Section 19 of the Regulation.

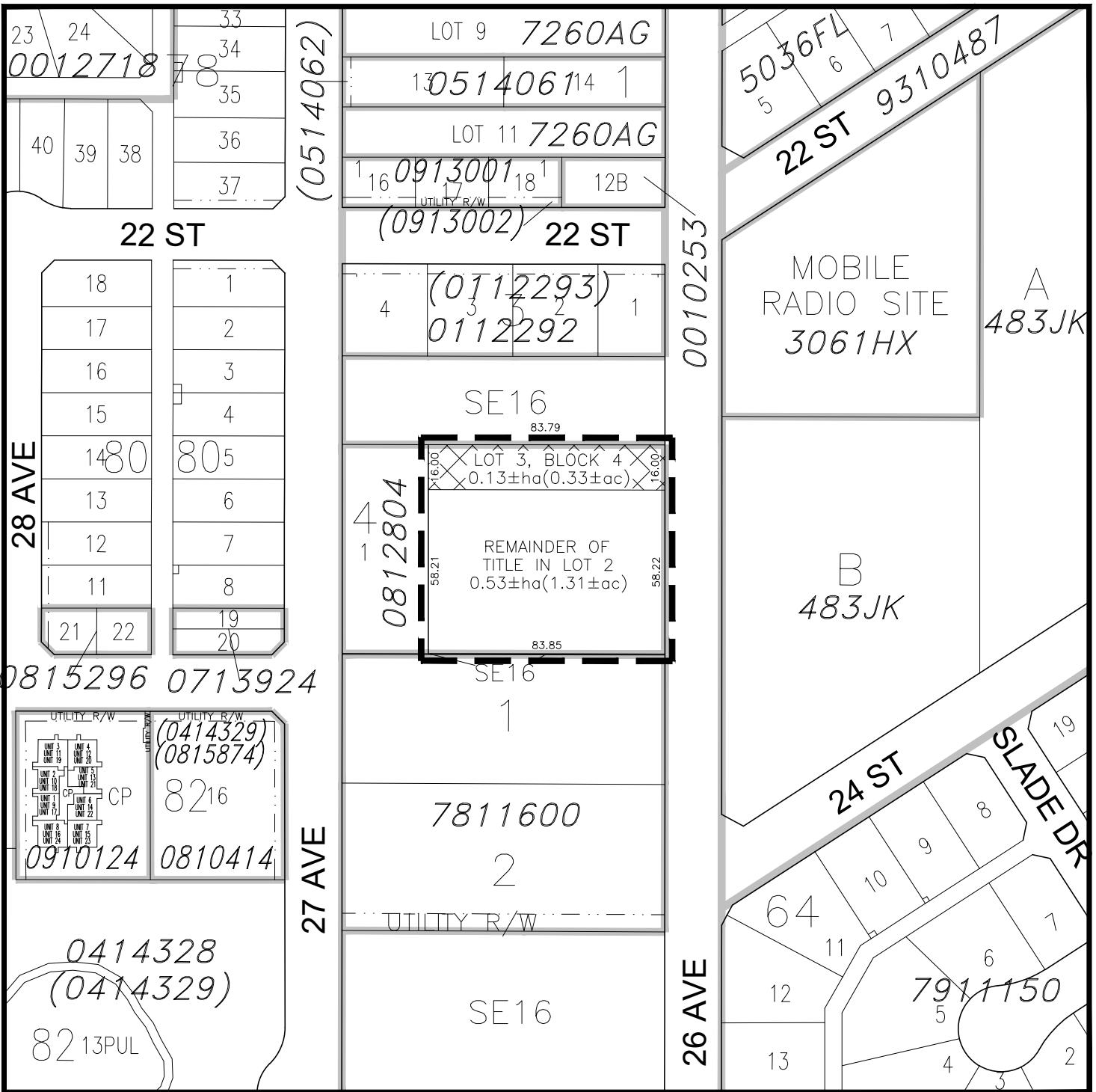
Further, should the approval authority receive any appeals in regard to this application and as per Section 678(2.1) of the Municipal Government Act and Section 7(6)(d) of the regulation, Transportation and Economic Corridors agrees to waive the referral distance for this particular subdivision application. As far as Transportation and Economic Corridors is concerned, an appeal of this subdivision application may be heard by the local Subdivision and Development Appeal Board provided that no other provincial agency is involved in the application

Transportation and Economic Corridors has the following additional comments and/or requirements with respect to this proposal:

1. The department expects that the municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, pursuant to Policy 7 of the Provincial Land Use Policies and Section 618.4 of the Municipal Government Act”

(k) Historical Resources – Barry Newton, Land Use Planner:

“We have reviewed the captioned subdivision application and determined that in this instance formal *Historical Resources Act* approval is not necessary, and submission of a Historic Resources application is not required.”



SUBDIVISION SKETCH
LOT 2, BLOCK 4, PLAN 0812804 WITHIN
SE 1/4 SEC 16, TWP 16, RGE 28, W 4 M
MUNICIPALITY: TOWN OF NANTON
DATE: MARCH 25, 2024
FILE: 2024-0-045

